

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KEVIN NATHAN,	)
N31473,	)
	)
Plaintiff,	)
	)
vs.	)
	)
LAWRENCE CORRECTIONAL	)
CENTER.	)
	)
Defendant.	)

**MEMORANDUM AND ORDER**

DUGAN, District Judge:

Plaintiff Kevin Nathan, an inmate of the Illinois Department of Corrections (IDOC) currently housed at Robinson Correctional Center, brings this civil rights action pursuant to [42 U.S.C. § 1983](#) for alleged deprivations of his constitutional rights while he was being housed at Lawrence Correctional Center (Lawrence). (Doc. 1). Plaintiff alleges that he did not receive adequate care for a broken bone in his back and chronic pain from at least 2013 through 2020.

Plaintiff's Complaint (Doc. 1) is now before the Court for preliminary review pursuant to [28 U.S.C. § 1915A](#). Under Section 1915A, the Court is required to screen prisoner complaints to filter out non-meritorious claims. *See* [28 U.S.C. § 1915A\(a\)-\(b\)](#). Any portion of a complaint that is legally frivolous, malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law is immune from such relief must be dismissed. [28 U.S.C. § 1915A\(b\)](#). At this juncture,

the factual allegations of the *pro se* complaint are to be liberally construed. *Rodriguez v. Plymouth Ambulance Serv.*, 577 F.3d 816, 821 (7th Cir. 2009).

### **Complaint**

Plaintiff alleges that he suffered from chronic back pain, a broken bone in his lower back, and associated pain in his lower extremities from at least 2013 to 2020. Despite being seen by medical staff on multiple occasions, Plaintiff alleges that the treatment that was proposed was either seriously delayed, or never rendered. Plaintiff's complaint is a single paragraph, but in support he attached medical records and a grievance about the alleged issues. (Doc. 1 at 8-31). Plaintiff's complaint did not include a demand for relief. (Doc. 1 at 7) (demand for relief left blank).

### **Analysis**

Section 1983 provides a cause of action for the deprivation of constitutional rights by persons acting under color of state law. *Torres v. Madrid*, 141 S.Ct. 989, 994 (2021). "The Eleventh Amendment grants states immunity from private suits in federal courts without their consent. An agency of the state receives this same immunity." *Nunez v. Ind. Dep't of Child Servs.*, 817 F.3d 1042, 1044 (7th Cir. 2016); *de Lima Silva v. Dep't of Corrections*, 917 F.3d 546, 565 (7th Cir. 2019). Plaintiff named Lawrence Correctional Center as the only defendant in this lawsuit. As an entity of the IDOC, Lawrence falls within the scope of Eleventh Amendment immunity, so Plaintiff cannot pursue a claim against the entity. Plaintiff will be given a chance to amend his complaint to identify individual actors who he alleges violated his rights by inadequate care for his back issues.

If Plaintiff decides to file an amended complaint, he should carefully outline the personal actions that each defendant took that caused him harm. An amended pleading will completely replace the original, so Plaintiff needs to include everything that he wants considered in a single document. See *Flannery v. Recording Indus. Ass'n of Am.*, 354 F.3d 632, 638 n. 1 (7th Cir. 2004). Plaintiff does not need to include his exhibits a second time, the Court will still have access to the copy of his grievance and the medical records that he submitted with the original complaint. Plaintiff should also include a clear demand for relief. Fed. R. Civ. P. 8(a)(3) (a pleading must contain a demand for relief sought). Failure to file a timely amended complaint will result in the dismissal of this lawsuit. Fed. R. Civ. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1056-57 (7th Cir. 1997) (dismissal is allowed for failure to comply with a court order); 28 U.S.C. § 1915A.

#### **Disposition**

Plaintiff is **DIRECTED** to file an Amended Complaint within 30 days of this Order. To assist him with preparing an amended complaint, the Clerk of Court is **DIRECTED** to mail Plaintiff a copy of the standard civil rights complaint form along with this Order. If Plaintiff fails to file an amended complaint, his case may be dismissed for failure to state a claim or failure to prosecute.

**IT IS SO ORDERED.**

Dated: March 22, 2022

/s/ *David W. Dugan*

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DAVID W. DUGAN  
United States District Judge